

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RITCHARD YANOWITZ,

Plaintiff,

- against -

DIVATEX HOME FASHION, INC.,

Defendant.

15 Civ. 807 (KBF)

DIVATEX HOME FASHION, INC.,

Counterclaim Plaintiff,

- against -

RITCHARD YANOWITZ and
BRANDON YANOWITZ,

Counterclaim Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

: ss.:

COUNTY OF NEW YORK)

I, Michael B. Weitman, being duly sworn, says:

1. I am not a party to this action, am over 18 years of age, and reside in Kings County, New York.

2. On May 13, 2015, I served true and correct copies of (1) Defendant-Counterclaim Plaintiff Divatex Home Fashion, Inc.'s ("Divatex") Summons dated April 16, 2015, (2) Divatex's Answer and Counterclaims dated April 15, 2015, (3) Order of Judge Forrest dated April 17, 2015, (4) Scheduling Order of Judge Forrest dated April 17, 2015, (5) Electronic Case Filing Rules & Instructions, (6) Judge Forrest's Individual Rules of Practice in Civil Cases, and (7) Magistrate Judge Ellis's Individual Rules of Practice in Civil Cases on Counterclaim Defendant Brandon Yanowitz by emailing a copy of the foregoing documents to:

Bruce D. Meller, bmeller@pecklaw.com
Denis Serkin, dserkin@pecklaw.com

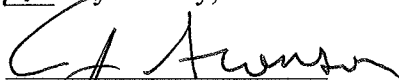
Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, NJ 07661
Counsel for Counterclaim-Defendant Brandon Yanowitz

3. Pursuant to an email dated May 8, 2015, Mr. Meller indicated that he represented Brandon Yanowitz and agreed to accept service on behalf of Brandon Yanowitz, such service to be deemed effective May 8, 2015. A copy of the email dated May 8, 2015 is attached hereto as Exhibit A.



Michael B. Weitman

Sworn to before me on
14th day of May, 2015



Notary Public

SK 25855 0004 6580564

IRA J. ARONSON
Notary Public, State of New York
No. 01AR4732833
Qualified in New York County
Commission Expires September 30, 2018

EXHIBIT A

From: Meller, Bruce D. <BMeller@pecklaw.com>
Sent: Friday, May 08, 2015 10:13 AM
To: Patin, Anne
Cc: Weitman, Michael; Serkin, Denis
Subject: RE: Yanowitz/Divatex

Good Morning Anne:

We will be representing Brandon and of course, we will accept service.

I suggest that we deem service to be effective today. As far as a response to the counterclaim by Brandon, we suggest that abide the outcome of the Motion to Dismiss/More Definite Statement Motion which we filed. In other words, if and/or as when Ritch is required to file a responding pleading, Brandon will do so at the same time. It seems wasteful to have the same motion filed in 21 days by Brandon, and we hope you agree, and ask that you advise of your position. Also, a personal matter just arose which is going to take me out of the office for a better part of the day. Our Automatic Disclosures are due to be exchanged today. We request that be extended to COB on Monday. Please advise if you consent.

Regards

Bruce

Bruce D. Meller
Peckar & Abramson, P.C.
70 Grand Avenue
River Edge, NJ 07661
phone: 201.343.3434
fax: 201.343.6306
bmeller@pecklaw.com
www.pecklaw.com

From: Patin, Anne [<mailto:patin@sewkis.com>]
Sent: Thursday, May 07, 2015 6:03 PM
To: Meller, Bruce D.; Weitman, Michael
Cc: Serkin, Denis
Subject: RE: Yanowitz/Divatex

Bruce,

Do you represent Brandon and, if so, will you accept service on his behalf? If you do not represent him, can you give me the contact information for his attorney. Many thanks.

Anne

Anne C. Patin
Partner

Tel: (212) 574-1516
Email: patin@sewkis.com

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From: Meller, Bruce D. [<mailto:BMeller@pecklaw.com>]
Sent: Wednesday, May 06, 2015 11:53 AM
To: Patin, Anne; Weitman, Michael
Cc: Serkin, Denis
Subject: Yanowitz/Divatex

Anne:
I hope all went well for you last week.
I haven't seen proof of service filed and I am advised that Brandon has not been served. Is it correct that he hasn't been served or did I miss something?
Please advise.
Thanks
Bruce

Bruce D. Meller
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